United Nations CEDAW/C/PSE/CO/1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 July 2018

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the initial report of the State of Palestine*

1. The Committee considered the initial report of the State of Palestine (CEDAW/C/PSE/1) at its 1614th and 1615th meetings (see CEDAW/C/SR.1614 and CEDAW/C/SR.1615), held on 11 July 2018. The Committee's list of issues and questions is contained in CEDAW/C/PSE/Q/1 and the responses of the State of Palestine are contained in CEDAW/C/PSE/Q/1/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its initial report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It further appreciates the information provided in writing following the dialogue.

3. The Committee commends the State party on its high-level delegation, which was jointly headed by the Minister of Women's Affairs, Hayfaa F. H. Alaga, and the Head of the United Nations Department of the Multilateral Affairs Sector at the Ministry of Foreign Affairs and Expatriates, Omar A. H. Awad Ala, and included representatives of the Ministry of Foreign Affairs and Expatriates, the Ministry of Justice, the Ministry of Women's Affairs, the Ministry of Labour, the Ministry of Education and Higher Education, the Ministry of Health, the Ministry of the Interior, the Ministry of Social Development, the Office of the Higher Presidential Committee of Church Affairs, the Central Bureau of Statistics, the Office of Public Prosecution, the Sharia High Judicial Council, the Department of Family and Minors' Protection and the Permanent Observer Mission of the State of Palestine to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the entry into force of the Convention for the State party in 2014 in undertaking legislative reforms, in particular the adoption of the decree law on the protection of juveniles, which takes into account

* Adopted by the Committee at its seventieth session (2–20 July 2018).

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the best interests of the child and promotes the rehabilitation and speedy reintegration of children in conflict with the law, in 2016.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the following:

(a) Adoption of the cross-sectoral national strategy to promote gender equality and equity, 2017–2022;

(b) Adoption of the strategic plan for combating violence against women, 2011–2019;

(c) Establishment of the Special Prosecutor's Office to combat gender-based violence against women and girls.

6. The Committee welcomes the fact that, since the entry into force of the Convention for the State party in 2014, the State party has acceded to the following international instruments:

(a) International Covenant on Economic, Social and Cultural Rights, in 2014;

(b) International Covenant on Civil and Political Rights, in 2014;

(c) Convention on the Rights of the Child, in 2014;

(d) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2014;

(e) International Convention on the Elimination of All Forms of Racial Discrimination, in 2014;

(f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014;

(g) Convention on the Rights of Persons with Disabilities, in 2014;

(h) United Nations Convention against Transnational Organized Crime, in 2015;

(i) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2017;

(j) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2017;

(k) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2017.

Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the State party to take all appropriate measures to urgently convene the Palestinian Legislative Council and ensure that the Council, in line with its mandate, takes the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.**

D. Principal areas of concern and recommendations

General context: occupation of Palestinian territory and implementation of obligations under the Convention

9. The Committee notes that the territory of the State party has been under occupation by Israel since 1967, which poses severe challenges for the State party in fully implementing its obligations under the Convention, given that women and girls have been subjected to, among other things, restrictions on their freedom of movement, displacement, house demolitions and illegal settlements, excessive use of force and abuse by Israeli security forces, settler violence and restrictions on gaining access to health-care services, in particular for women and girls living in the Gaza Strip and East Jerusalem. The Committee recalls that Israel, as the occupying Power, is not absolved of its obligations under international humanitarian law and international human rights law. It notes that the Convention is applicable in the entire territory of the State party and that the State party should implement it in all parts of its territory. In that regard, the Committee regrets that, notwithstanding the agreement between the Fatah and Hamas movements to end Palestinian division, signed on 12 October 2017, there has been limited progress in resolving internal political issues that negatively affect the full enjoyment by women and girls in the West Bank and the Gaza Strip of their rights under the Convention. The Committee notes that, owing to the political and geographical fragmentation of the State party's territory, women and girls continue to be subjected to multiple legal systems that greatly impede the full realization of their rights under the Convention, including their political and economic empowerment.

Definition of discrimination and legislative framework

10. The Committee notes that, following the ratification of various human rights treaties, the State party is undertaking a comprehensive review of its legislation in order to ensure compliance with international human rights norms. It also notes that discrimination is prohibited under article 9 of the Amended Basic Law and that an attempt was made to define discrimination in article 546 of the proposed draft penal code of 2011. However, the Committee remains concerned about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention.

11. **The Committee recommends that, in line with articles 1 and 2 of the Convention, the State party:**

(a) **Adopt, without delay, national legislation that includes a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres;**

(b) **Ensure that the proposed draft penal code of 2011, which is aimed at prohibiting and punishing discrimination, is revised to bring it into conformity with the Convention, and to include provisions for appropriate enforcement mechanisms and sanctions.**

Legal status of the Convention

12. The Committee commends the State party for ratifying the Convention without reservations. It notes that, in accordance with the interpretation of the Supreme Constitutional Court, in its decision No. 4 (2017) of 19 November 2017, that international treaties acceded to by the State party take precedence over national legislation, the provisions of the Convention must be incorporated into national law. The Committee is concerned, however, that the Convention has not been published in the Official Gazette in order to make it applicable in the State party. It is also concerned about the interpretation of the Supreme Constitutional Court, in its above-mentioned decision, that international conventions take precedence over national law only insofar as they are consistent with the national, religious and cultural identity of the Palestinian people. The Committee is further concerned about the absence of a time frame for acceding to the Optional Protocol, notwithstanding the State party's declared commitment to do so.

13. **The Committee recommends that the State party:**

(a) **Fully incorporate the provisions of the Convention into its national law and ensure its implementation in the Gaza Strip and the West Bank, including in East Jerusalem;**

(b) **Ensure that the interpretation of the Supreme Constitutional Court holding that treaties acceded to by the State party take precedence over national law only insofar as they are consistent with the national, religious and cultural identity of the Palestinian people, does not absolve the State party of its obligations under the Convention;**

(c) **Take concrete steps to accede to the Optional Protocol and publish the Convention in the Official Gazette;**

(d) **Train members of the judiciary, including judges of sharia courts, legal professionals and law enforcement officers, on the Convention, the Committee's jurisprudence under the Optional Protocol and its general recommendations.**

Harmonization of legislation and repeal of discriminatory laws

14. The Committee commends the State party on the establishment of a legislative harmonization committee to review all laws to, among other things, ensure that they are consistent with the human rights treaties to which the State party has acceded, including the Convention. However, the Committee is concerned about the lack of a time frame for completing the review. The Committee is particularly concerned that:

(a) The fragmentation of the legal system is such that women and girls in the Gaza Strip and the West Bank are subjected to multiple sets of laws, which afford varying levels of protection, given that some laws perpetuate customary practices and traditions that discriminate against women;

(b) Various archaic laws, including those enacted during the Ottoman period, and personal status laws, including the Egyptian Family Rights Law of 1954 and the Jordanian Personal Status Law of 1976, are applicable in the Gaza Strip and West Bank, respectively, and allow for the continued violation of women's rights in matters of marriage, divorce, child custody and inheritance;

(c) No time frame has been adopted for the review and adoption of draft laws such as the draft penal code, the draft personal status code and the draft family protection law.

15. **The Committee recommends that the State party:**

(a) **Reunify the legal systems in the Gaza Strip and the West Bank to ensure that all women and girls in the State party are afforded equal protection under the law, in line with the Convention;**

(b) **Adopt a clear time frame for the review of archaic laws by the legislative harmonization committee, in collaboration with relevant partners, including civil society organizations, to ensure their compliance with the Convention, and ensure that the review includes a thorough gender impact analysis to identify all customary and religious laws that are in conflict with the Convention;**

(c) **Expedite the review of draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption.**

Access to justice

16. The Committee notes that, under article 30 of the Amended Basic Law, the right to litigation is guaranteed to all persons. The Committee also notes the State party's efforts to revitalize the National Legal Aid Commission and that the State party is currently preparing a strategic plan on legal aid. The Committee notes with concern, however, the lack of information on progress made towards adopting the draft law to establish a legal aid fund, proposed in 2014. The Committee also notes that, although free legal aid is recognized as a right in the State party, the provision of legal aid services for women has been largely delegated to civil society organizations in the State party.

17. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Expedite efforts aimed at revitalizing the National Legal Aid Commission and the preparation of a strategic plan on legal aid so that women, including disadvantaged groups of women, have access to affordable or, if necessary, free legal aid services;**

(b) **Address the economic barriers that impede women's access to justice, by establishing a legal aid fund and supporting the efforts of civil society organizations providing legal aid services in the State party, and allocate adequate financial resources to the legal aid fund in order to benefit more economically disadvantaged women, in particular those in rural areas.**

Women and peace and security

18. The Committee commends the State party on the adoption, in 2016, of its national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security. The Committee notes that the State party has incorporated the provisions of the resolution into a cross-sectoral national gender strategy and the national policy agenda, for the period from 2017 to 2022. It also notes the State party's efforts to ensure the participation of women at the reconciliation discussions between Fatah and Hamas held in Cairo in October 2017. The Committee is concerned, however, that:

(a) Notwithstanding the State party's efforts to increase the participation of women in national and international peace processes, women remain

underrepresented in conflict prevention and peacebuilding processes and are not fully involved in the implementation of the national action plan on Security Council resolution 1325 (2000);

(b) The mechanism for the implementation of the national action plan is not adequately funded, and the national observatory to collect data in this area has not been established owing to lack of funding;

(c) Women and girls, in particular in the Gaza Strip and the West Bank, continue to suffer from the effects of conflict and occupation, including the blockade of the Gaza Strip, such that a large number of them are in need of humanitarian assistance, while the provision of humanitarian aid by the international community has decreased considerably.

19. **The Committee recommends that the State party give due consideration to its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by ensuring that the national action plan is fully implemented, including through the allocation of adequate human, technical and financial resources and through enhanced cooperation with civil society organizations, the international community and relevant United Nations agencies. The Committee also recommends that the State party:**

(a) **Ensure the full participation of women and representatives of women's organizations in conflict prevention, peacebuilding and post-conflict reconstruction efforts, including in decision-making, in line with Security Council resolution 1325 (2000), and take into consideration the full spectrum of the women and peace and security agenda of the Security Council, as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2106 (2013) and 2331 (2016);**

(b) **Ensure the participation of women in international peace processes and national reconciliation processes, in particular with regard to the implementation of the national action plan;**

(c) **Expedite efforts to establish a national observatory to collect data on women and peace and security, and ensure that the national observatory and the mechanism for the implementation of the national action plan are adequately funded;**

(d) **Continue to engage with the international community and United Nations agencies, in particular the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to provide the assistance needed to women and girls in the Gaza Strip and the West Bank;**

(e) **Continue to protect and provide humanitarian assistance to women and girls living in the Gaza Strip and the West Bank who are disproportionately affected by conflict and the excessive use of force by the occupying Power.**

National machinery for the advancement of women

20. The Committee commends the State party on the adoption of the cross-sectoral national gender strategy, covering the period from 2017 to 2022, which was prepared on the basis of the 2030 Agenda. It also commends the State party for establishing a committee to follow up on the implementation of the Sustainable Development Goals, foster cooperation with partners, and for the preparation of a voluntary progress report. It also notes that, in 2009, the Council of Ministers approved the formulation of gender-responsive plans and budgets, which led to the establishment in 2012 of a national committee on gender-responsive budgets. However, the Committee on the Elimination of Discrimination against Women is concerned that, notwithstanding

efforts to increase resources for the Ministry of Women's Affairs, which constitutes the national machinery for the advancement of women in the State party, the Ministry's continued lack of human and financial resources impedes the effective implementation and coordination of policies and strategies, including those relating to the implementation of the Goals and the empowerment of disadvantaged groups of women, in particular older women, women with disabilities and women and girls affected by conflict.

21. **The Committee recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to the Ministry of Women's Affairs in order to ensure effective coordination and collaboration with various partners, including civil society organizations, in the implementation of the Convention;**

(b) **Ensure the allocation of necessary resources, in particular humanitarian assistance, to development activities and programmes for the benefit of women and girls in the State party;**

(c) **Ensure that the implementation and coordination of strategies and policies by the Ministry of Women's Affairs promote the empowerment of disadvantaged groups of women, in particular older women, women with disabilities and women and girls affected by conflict.**

Temporary special measures

22. The Committee notes the decision of the Palestinian Central Council whereby it seeks to put into place mechanisms to increase the political representation of women. The Committee is concerned, however, about the lack of a comprehensive strategy to incorporate temporary special measures to achieve the substantive equality of women and men in other areas in which women are underrepresented or disadvantaged.

23. **In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Urgently adopt a strategy for the implementation of temporary special measures to achieve the substantive equality of women and men, in particular in political and public life;**

(b) **Undertake capacity-building programmes, targeting all relevant State officials and hiring managers, on the non-discriminatory nature and importance of temporary special measures for achieving substantive equality between women and men in all areas in which women are underrepresented or disadvantaged.**

Stereotypes and harmful practices

24. The Committee notes the State party's efforts, through the gender unit of the Palestine Broadcasting Corporation, to support the production of programmes aimed at promoting positive roles for women in society. It remains concerned, however, about the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which perpetuate the subordination of women. The Committee recalls that such discriminatory stereotypes are a root cause of gender-based violence against women and harmful practices, such as child marriage, which are pervasive in the State party. The Committee is also concerned about the lack of a comprehensive strategy to eliminate discriminatory stereotypes.

25. **The Committee recommends that the State party:**

(a) **Adopt, without delay, a comprehensive strategy to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society;**

(b) **Regularly monitor and review the measures taken to eliminate gender stereotypes and harmful practices, such as child marriage, in order to assess their impact;**

(c) **Expand public education programmes on the negative impact of discriminatory stereotypes on the enjoyment by women of their rights, targeting religious and tribal leaders, who are the custodians of religious and customary values in the State party;**

(d) **Continue to review textbooks in order to eliminate the negative image of women and girls with regard to their roles in the family and in society, and ensure a positive reflection of that image;**

(e) **Intensify collaborative efforts with the media to raise public awareness of gender stereotypes that persist at all levels of society, with a view to their elimination.**

Gender-based violence against women

26. The Committee welcomes the State party's measures to combat violence against women, such as the adoption of a strategic plan for combating violence against women, covering the period from 2011 to 2019, and the establishment of a national observatory to study violence against women, in 2016. It also commends the State party on its legislative efforts, including the adoption of Decree Law No. 5 in March 2018 repealing article 308 of the Penal Code of 1960, which is applicable in the West Bank and which exonerated perpetrators of the crime of rape if they married the victim, and the repeal of article 340 of the Penal Code, and the revisions to articles 98 and 99 thereof, which provided for mitigating factors in cases of homicide of women or so-called "honour killings". However, the Committee notes the following with concern:

(a) The delay in the adoption of the draft family protection law, although it has already been reviewed by the legislative harmonization committee;

(b) The high prevalence of gender-based violence against women, in particular so-called "honour killings" and domestic and sexual violence, which remain socially accepted and underreported due to the stigma suffered by victims;

(c) The fact that the definition of rape under the Penal Code of 1960 applicable in the West Bank does not include marital rape, cases of which are often settled through reconciliation by tribal committees;

(d) The lack of family protection units in the Gaza Strip, despite the high incidence of gender-based violence against women, including domestic violence;

(e) The absence of legislation and lack of data on protection orders.

27. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Give high priority to the adoption of the draft family protection law to ensure that women and girls are protected from gender-based violence, including domestic violence, and ensure that the law provides for the issuance of protection orders and for systematic data collection on the number of protection orders issued and violated;**

(b) **Intensify efforts to ensure that perpetrators of gender-based violence, in particular so-called "honour killings", are prosecuted and adequately punished and, in that context, ensure that the legislative harmonization committee takes appropriate measures to include marital rape in the definition of rape under the draft penal code and ensure that penalties for crimes involving gender-based violence against women and girls are commensurate with the gravity of the offences;**

(c) **Take concrete steps to establish adequately resourced family protection units in the Gaza Strip to provide services to women and girls who are victims of gender-based violence, including domestic violence;**

(d) **Intensify efforts to raise awareness among both men and women, including through educational and media campaigns, of the criminal nature of gender-based violence against women in order to challenge its social acceptance, and address the stigma discouraging victims from reporting;**

(e) **Continue to provide capacity-building for judges, prosecutors, lawyers, police officers and other law enforcement officials on the strict application of legislation criminalizing gender-based violence against women and on employing gender-sensitivity in investigation procedures and in the judicial process concerning victims of such violence.**

Trafficking and exploitation of prostitution

28. The Committee commends the State party on its efforts to combat trafficking in persons, such as the establishment of the national referral mechanism for women victims of violence, which provides protection for victims of trafficking in persons. The Committee notes that the State party has joined the Arab Initiative for Building National Capacities to Combat Human Trafficking and that it intends to modernize its laws to combat trafficking in persons. The Committee notes the challenges that the State party faces with regard to combating trafficking in persons, in particular because the State party does not have control of its borders. It welcomes the commitment by the State party's delegation to send an invitation to the Special Rapporteur on trafficking in persons, especially women and children, to visit the State party. However, it notes the following with concern:

(a) That trafficking in persons for purposes of sexual exploitation and clandestine prostitution occurs in the State party;

(b) The absence of legislation criminalizing sexual exploitation of women and girls or child pornography;

(c) The lack of data on the number of women and girls who are victims of trafficking in persons and exploitation of prostitution.

29. **The Committee recommends that the State party:**

(a) **Ensure that the process of modernizing legislation to combat trafficking in persons incorporates a gender perspective;**

(b) **Adopt legislation to criminalize sexual exploitation of women and girls and pornography;**

(c) **Establish a mechanism for the collection and dissemination of data on trafficking in persons, disaggregated by sex and age;**

(d) **Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including through the exchange of information and the harmonization of procedures to prosecute traffickers.**

Participation in political and public life

30. The Committee notes the progress made in the State party with regard to increasing the representation of women in decision-making positions in political life, such as the adoption of Decree Law No. 1 of 2007, which provides for a quota stipulating that a minimum of 30 per cent of candidates standing for election must be women, and the Law No. 10 of 2005 on local elections, which provides for a minimum quota stipulating that 20 per cent of the candidates in local-level elections must be women. However, the Committee remains concerned that women are still underrepresented at decision-making levels, including in local government, trade unions, the foreign service and the judiciary.

31. **The Committee recommends that the State party:**

(a) **Ensure the implementation of temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, in particular the establishment of a mechanism to monitor compliance with the quota of a minimum of 30 per cent representation of women in all institutions in the State party, including in appointed and elected positions, in particular in local government, trade unions, senior leadership positions, the foreign service and the judiciary;**

(b) **Conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public on the importance of the participation of women in political life and decision-making positions;**

(c) **Build the capacity of women candidates, including by seeking technical assistance from the international community, to enable them to compete effectively in elections, and provide incentives for political parties to nominate equal numbers of women and men to stand for election.**

Nationality

32. The Committee notes that, under Palestinian law, women and men have equal rights to acquire, change or retain their nationality. It is concerned, however, that legislation concerning nationality is governed by a complex set of laws, including the Personal Status Act of 1999, the Palestinian citizenship decrees issued in 1925 under the British Mandate, the amended Jordanian Citizenship Act of 1954 and certain circulars issued by the Ministry of the Interior concerning Palestinian women in the occupied West Bank and the Gaza Strip. The Committee is concerned about the following:

(a) The lack of information on measures to adopt a comprehensive law to unify the above-mentioned provisions in order to provide clarity on nationality and reduce the risk of statelessness for women and girls;

(b) The high number of Palestinians in diaspora, including women and girls who are affected by prolonged refugee status, which deprives them of the right to reside in the State party and to pass their nationality on to their children;

(c) The high number of Palestinian women and girls living in occupied Palestinian territory, including in East Jerusalem, who cannot exercise their right to Palestinian citizenship due to the occupation.

33. **The Committee recommends that the State party adopt a comprehensive law that unifies the various provisions on nationality to reduce the risk of statelessness for women and girls. The State party should also engage with the international community to address the issue of nationality for Palestinian**

women and girls who are deprived of citizenship owing to prolonged refugee status and to discriminatory citizenship laws affecting women and girls, in particular those living in East Jerusalem.

Education

34. The Committee notes the State party's efforts to improve access to and the quality of education for women and girls through the adoption of Act No. 6 of 2018, which explicitly provides that every citizen has the right to higher education, and through the use of tuition waivers as an incentive to increase enrolment in scientific disciplines among women and girls. It notes with appreciation the high levels of literacy among women and girls in the State party. However, the Committee notes the following with concern:

(a) The cases of girls dropping out of school, largely due to child marriage;

(b) The concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in science, technology, engineering and mathematics;

(c) The fact that, notwithstanding the comprehensive review of curricula in 2006, textbooks still contain discriminatory stereotypes about the roles of women and girls in society;

(d) The fact that the high number of women completing post-secondary education does not translate into their participation in the labour market and that vocational training courses continue to perpetuate occupational gender segregation;

(e) The lack of comprehensive, age-appropriate education on sexuality and reproductive health and rights.

35. **In line with the Convention and its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Adopt a strategy to reduce the school dropout rate among girls due to child marriage and ensure that women and girls who have dropped out are reintegrated into the education system;**

(b) **Eliminate discriminatory stereotypes and intensify the use of tuition waivers to encourage the enrolment of women and girl in non-traditional fields of education, such as science, technology, engineering and mathematics, as well as in the digital field, through career counselling for young women and girls on non-traditional career paths and awareness-raising among parents and legal guardians;**

(c) **Undertake a comprehensive review of school curricula, including textbooks, to remove discriminatory stereotypes about the roles of women and girls in society and train teachers to ensure that they do not perpetuate such stereotypes in the learning environment, including in the delivery of vocational training;**

(d) **Introduce comprehensive, age-appropriate education on sexual and reproductive health and rights into school curricula, including education on modern forms of contraception and the prevention of sexually transmitted infections, for adolescent girls and boys.**

Employment

36. The Committee notes the efforts of the State party to improve the participation of women in the labour market, such as the adoption of Labour Act No. 7 of 2000,

which governs persons employed in the private sector. The Committee also notes that the Decree Law on Social Security provides for 12 weeks of paid maternity leave. However, it notes the following with concern:

(a) The high unemployment rate among women and the lack of concrete measures to enforce the principle of equal pay for work of equal value in order to narrow the gender wage gap in the State party;

(b) The concentration of women in the informal sector, including in the agricultural sector, where women working in family enterprises are excluded from social security protection, and the fact that the Labour Act does not extend to domestic workers or to the informal sector, in which women are concentrated;

(c) The absence of legislation that prohibits, and sets out the punishment for perpetrators of, sexual harassment in the workplace;

(d) The lack of data disaggregated by sex and disability on the participation of women with disabilities in the labour force, since the implementation of the quota pursuant to which 5 per cent of posts in government and non-governmental organizations be reserved for persons with disabilities.

37. **The Committee recommends that the State party:**

(a) **Intensify efforts to fully implement the existing laws and regulations on gender equality in employment and reduce unemployment among women by promoting their entry into the formal economy through, among other things, vocational and technical training;**

(b) **Effectively enforce the principle of equal pay for work of equal value in order to narrow and close the gender pay gap by regularly reviewing wages in sectors in which women are concentrated, conducting regular labour inspections, applying gender-neutral analytical job classification and evaluation methods and conducting regular pay surveys;**

(c) **Extend social protection to women working in family enterprises in the agricultural sector and extend the application of the Labour Act to domestic workers and to the informal sector, in which women are concentrated;**

(d) **Adopt legislation to prohibit sexual harassment in the workplace and to set out the punishment for perpetrators, collect statistical data on the extent of the problem of discrimination on the basis of sex in the workplace, including cases of sexual harassment, and conduct regular labour inspections aimed at enforcing those laws;**

(e) **Provide, in the next periodic report, data disaggregated by sex and disability on the number of women with disabilities who have been employed since the implementation of the quota pursuant to which 5 per cent of posts in government and non-governmental organizations are reserved for persons with disabilities.**

Health

38. The Committee commends the State party on its efforts to reduce maternal and infant mortality by introducing mobile clinics, which provide prenatal and postnatal services at the community level, despite the challenges to adequately funding the health sector. It also commends the State party on its efforts to ensure the physical and economic accessibility of health services by women and girls, notwithstanding the restrictions on their freedom of movement and the occupation of some parts of the State party's territory. However, the Committee is concerned that:

(a) The procurement of termination of pregnancy continues to be criminalized under the Penal Code of 1936 and the Penal Code of 1960, applicable in the Gaza Strip and the West Bank, respectively;

(b) Abortion is permissible only in cases of risk to the life of the pregnant woman;

(c) There are no data on the number of women and girls who have been detained and prosecuted for illegally procuring an abortion;

(d) Women with disabilities are not included in the national strategic plan on health, and women who are considered to have a disability, which is defined as less than 60 per cent of bodily impairment, are excluded from health insurance.

39. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Legalize abortion in cases of rape, incest, risk to the physical or mental health of the pregnant woman and severe fetal impairment, ensure that abortion is decriminalized in all other cases and ensure that medically safe modern methods of abortion are available and accessible;**

(b) **Provide, in the next periodic report, data on the number of women and girls who have been detained and prosecuted for procuring an abortion;**

(c) **Increase and improve the provision of sexual and reproductive health information and services to women and girls, including modern methods of contraception, in particular with regard to rural women and girls;**

(d) **Ensure that all women with disabilities have access to health services, in particular health insurance, and take measures to include persons with disabilities in the national health strategy.**

Economic empowerment of women

40. The Committee appreciates that there are no legal barriers to access for women to financial credit and that women and girls are encouraged to participate in sports and recreational activities. The Committee notes that house demolitions and forcible evictions by the occupying Power continue to impede the economic empowerment of women in the State party. It notes with concern that:

(a) The economic empowerment of women has not received appropriate attention and the economic policies pursued by the State party have had a negative impact on women, in particular women entrepreneurs whose products cannot compete with those produced by the occupying Power;

(b) Women and girls, in particular those with disabilities, do not fully participate in sports, owing to discriminatory stereotypes and prejudices;

(c) Women are required to make pension contributions equal to those made by men, when in fact women are often engaged in part-time work and experience compensation discrimination.

41. **The Committee recommends that the State party:**

(a) **Increase access for women to loans and other forms of finance, including by providing soft loans and improving financial literacy among women, and promote access for women to income-generating activities, such as setting up small enterprises and marketing locally produced merchandise;**

(b) **Adopt concrete measures to encourage women and girls, in particular those with disabilities, to engage in sports, including by eliminating**

discriminatory stereotypes and prejudices by raising public awareness about the benefits of participation in sports;

(c) **Revise the pension contribution system to ensure that it takes into account the situation of women, including how their remuneration is affected by their concentration in part-time employment and by the gender pay gap.**

Rural women

42. The Committee notes that rural women have access to agricultural services and skills development through rural development and agricultural services programmes. It also notes the disadvantaged status of rural women due to the occupation, which has resulted in the dispossession of agricultural land and has limited access for women to water, sanitation and electricity and exposed them to violent acts by settlers. The Committee notes the following with concern:

(a) The lack of information regarding land ownership by rural women in the State party;

(b) That the programmes and activities implemented by the State party for rural women are more humanitarian than developmental in nature and that there is a lack of information on the participation of women in the implementation and development of agricultural policies;

(c) The lack of information on the number of women who have benefited from the disaster risk reduction and insurance fund, which is intended to compensate farmers for agricultural damages and losses.

43. **In line with general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Provide information, in the next periodic report, on land ownership by rural women;**

(b) **Ensure that programmes and activities for rural women are focused on their economic empowerment and that rural women are involved in the implementation and development of agricultural policies, in particular with regard to decisions on land use;**

(c) **Provide information, in the next periodic report, on the extent to which women have benefited from the disaster risk reduction and insurance fund;**

(d) **Continue to seek international assistance and cooperation in order to improve access for rural women to water, sanitation and electricity.**

Disadvantaged groups of women

44. The Committee notes the efforts of the State party to improve the situation of disadvantaged groups of women, such as women with disabilities. However, it notes with concern the lack of data on the situation of women in detention, women with disabilities, older women and women heads of households, and in particular Bedouin women, who face forcible evictions and demolition of their houses by the occupying Power.

45. **The Committee recommends that the State party provide information, in its next periodic report, on the measures taken to ensure access to, among other things, employment, health care, water, sanitation and electricity for disadvantaged groups of women, such as women with disabilities, Bedouin women, older women and women heads of households, and on the situation of**

women in detention. The Committee also recommends that the State party continue to provide humanitarian assistance to Bedouin women and girls.

Marriage and family relations

46. The Committee welcomes the establishment of an alimony fund under Law No. 6 of 2005, which allows women to gain access to funds in cases in which husbands or relatives fail to meet their financial support obligations. It notes the State party's commitment to reviewing all discriminatory personal status laws regarding marriage and family relations. However, the Committee is concerned that personal status laws containing provisions that discriminate against women and girls continue to be applicable. The Committee is particularly concerned that:

(a) Child marriage is perpetuated by the existence in the State party of multiple laws establishing varying minimum legal ages of marriage, such as article 5 of the Personal Status Law applicable in the West Bank, which sets the legal age of marriage at 16 years for boys and 15 years for girls, and article 5 of the Family Rights Law applicable in the Gaza Strip, which sets the legal age at 17 years for girls and 18 years for men;

(b) Under rules of evidence in family matters, the testimony of a man is considered to be equivalent to that of two women;

(c) A woman's right to child custody is invalidated if she remarries a man who is not a close relative of the child;

(d) Male guardians have the legal capacity to contract marriages on behalf of their female relatives and have the power to invalidate a marriage irrespective of the consent of the married woman;

(e) Men have the right to unilaterally divorce their spouses, which leaves many women in precarious situations;

(f) The law does not provide for an alternative legal regime that would allow women to contract civil marriages.

47. **In the context of the ongoing legislative review by the legislative harmonization committee aimed at ensuring that the legislation of the State party is in conformity with the Convention, the Committee recommends that the State party:**

(a) **Review all personal status laws with a view to repealing or amending all provisions that discriminate against women and girls, in particular those relating to marriage, divorce, inheritance and the legal capacity of women, and in that regard, address family status matters by taking into account the best practices of countries with similar cultural backgrounds;**

(b) **Adopt a law that provides for an alternative legal regime to govern civil marriage in the State party.**

Amendment to article 20 (1) of the Convention

48. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

49. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination

50. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Palestinian Legislative Council, once convened, and the judiciary, to enable their full implementation.**

Technical assistance

51. **The Committee recommends that the State party consider seeking international cooperation and technical assistance in the development and implementation of a comprehensive programme aimed at implementing the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.**

Ratification of other treaties

52. **The Committee notes that the adherence of the State party to the nine major international human rights instruments [1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to the concluding observations

53. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (a), 13 (c) and 15 (a) and (c) above.**

Preparation of the next report

54. **The Committee requests the State party to submit its second periodic report, which is due in July 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

55. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.